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Chapter No. 465  
16/SS01/R1015SG  
LR 12/13/16

## ***SENATE BILL NO. 2495***

Originated in Senate Liz Welch Secretary

SENATE BILL NO. 2495

AN ACT TO PROVIDE THAT IN THE MONTGOMERY COUNTY AND WINONA MUNICIPAL SEPARATE SCHOOL DISTRICTS THERE SHALL BE AN ADMINISTRATIVE CONSOLIDATION INTO ONE SCHOOL DISTRICT TO BE DESIGNATED AS THE WINONA-MONTGOMERY CONSOLIDATED SCHOOL DISTRICT, WHICH SHALL BE A LINE CONSOLIDATED SCHOOL DISTRICT EFFECTIVE JULY 1, 2018; TO PROVIDE FOR THE COMPOSITION OF THE BOARD OF TRUSTEES OF THE NEW WINONA-MONTGOMERY CONSOLIDATED SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO ADMINISTRATIVELY CONSOLIDATE ANY SCHOOL DISTRICT WHICH DOES NOT VOLUNTARILY FOLLOW THE CONSOLIDATION ORDER; TO ABOLISH THE FORMER SCHOOL DISTRICTS FOLLOWING THE ADMINISTRATIVE CONSOLIDATION AND PROVIDE FOR THE TRANSFER OF SCHOOL DISTRICT ASSETS AND LIABILITIES; TO PROVIDE FOR EXECUTION OF TEACHER AND SCHOOL DISTRICT EMPLOYEE CONTRACTS AND THE PREPARATION OF A SCHOOL DISTRICT BUDGET IN THE NEW SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS TO IMPLEMENT SUCH ADMINISTRATIVE CONSOLIDATION; TO AMEND SECTION 37-7-103, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) In Montgomery County, Mississippi, in which are located, as of January 1, 2016, two (2) school districts, there shall be an administrative consolidation of all of those school districts in the county into one (1) new countywide municipal separate school district to be designated as

Winona-Montgomery Consolidated School District which shall consist of the territory of the former Montgomery County School District and the Winona Municipal Separate School District, effective on July 1, 2018. At such time that the administrative consolidation becomes effective, the central administrative office of the Winona-Montgomery Consolidated School District shall be located in Winona, Mississippi.

(2) As soon as practicable, a financial advisor and/or other facilitator with school district experience may be assigned by the Mississippi Department of Education to oversee the budgeting and financial matters relating to the consolidation of the districts slated for consolidation. The financial advisor and/or facilitator may, at the discretion of the Mississippi Department of Education, continue duties for one (1) year after the consolidation to ensure that all financial matters are in place. All financial expenditures of districts that are closing must be approved by the financial advisor and/or facilitator. If the superintendent and/or school board approves expenditures outside of this approval, they shall be personally liable for the excess expenditures. The State Board of Education shall determine the compensation to be paid to the financial advisor and/or facilitator which shall be paid by the local school district to which the financial advisor and/or facilitator is assigned.

(3) (a) On or before September 1, 2017, the State Board of Education shall serve the local school board of the Winona

Municipal Separate School District and the local school board of the Montgomery County School District with notice and instructions regarding the timetable for action to be taken to comply with the administrative consolidation required in this section.

(b) In the new Winona-Montgomery Consolidated School District, there shall be a new countywide municipal separate school district board of trustees comprised of five (5) members, which shall consist of the existing members of the Board of Trustees of the Winona Municipal Separate School District. However, when consolidation becomes effective, the two (2) appointed board members of the Winona Municipal Separate School District whose terms are nearest to expiration shall expire on January 1, 2019, shall thereafter become elected positions to be filled by the election of board members in a manner prescribed in subparagraph (ii) of this paragraph (b). The new countywide municipal separate school district board of trustees of the Winona-Montgomery Consolidated School District shall be comprised as follows:

(i) The three (3) members of the existing Board of Trustees of the Winona Municipal Separate School District appointed by the Board of Aldermen of the City of Winona with the most years remaining in their terms shall serve until the expiration of such appointed term and thereafter, appointments shall each be selected for a term of four (4) years beginning on January 1 of the year next succeeding the appointment;

(ii) The two (2) members of the board elected after the appropriate appointments become permanently elected positions, shall be elected for a term of four (4) years by the electors of Montgomery County residing outside of the Winona corporate limits who shall be residents of that territory and who shall be elected in an election held on Tuesday after the first Monday in November 2018, in the manner prescribed in Section 37-7-203, and the elected members will take office on January 1, 2019. All subsequent members of the board elected from the territory outside of the Winona corporate limits shall be elected for a term of four (4) years at the regular general election held on the first Monday in November next preceding the expiration of the term of office of the respective member or members, and shall take office on January 1 next succeeding the election; and

(iii) The Board of Supervisors of Montgomery County and the State Board of Education, with the assistance of the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER), shall apportion the territory of the new consolidated school district located outside the Winona corporate limits into two (2) new proportionately equal single member board of trustee election districts. The board of supervisors shall thereafter publish the same in some newspaper of general circulation in the county for at least three (3) consecutive weeks and after having given notice of publication and recording the same upon the minutes of the school boards of each

school district in the county, the new district lines will thereafter be effective for the November 2017 special election. Any school board member of the former school districts residing in the proper territory shall be eligible for appointment or election to the new Board of Trustees for Winona-Montgomery Consolidated School District.

(c) Any school district affected by the required administrative consolidation in the county that does not voluntarily consolidate as ordered by the State Board of Education shall be administratively consolidated by the State Board of Education, to be effective immediately upon action of the State Board of Education. The State Board of Education shall promptly move on its own motion to administratively consolidate a school district which does not voluntarily consolidate in order to enable the affected school districts to reasonably accomplish the resulting administrative consolidation into one (1) consolidated school district by July 1 following the motion to consolidate. The affected school districts shall comply with any consolidation order issued by the State Board of Education.

(4) (a) On July 1, 2018, following the motion of the State Board of Education to consolidate school districts in Montgomery County, the Montgomery County School District shall be abolished. All real and personal property which is owned or titled in the name of the school district located in such former school district

shall be transferred to the Winona-Montgomery Consolidated School District as of July 1, 2018.

(b) The new board of trustees of the Winona-Montgomery Consolidated School District shall be responsible for establishing the contracts for operations, teachers, principals, clerical and administrative staff personnel for the 2018-2019 school year and each school year thereafter.

(c) The superintendent of the Winona-Montgomery Consolidated School District shall be appointed by the board and is authorized to appoint an assistant superintendent, but in no instance shall the administrative leadership of the Winona-Montgomery Consolidated School District exceed three (3) assistant superintendents to be appointed by the superintendent of the Winona-Montgomery Consolidated School District.

(d) It shall be the responsibility of the board of trustees to prepare and approve the budget of the respective new reorganized district, and the board of trustees may use staff from the former school district to prepare the budget. Any transfer of the assets, real or personal property of the Montgomery County School District mandated by this section shall be final and conclusive for the purposes of the transfer of property required by this section to effectuate the administrative consolidation.

(e) Any person or school district aggrieved by an order of the successor newly selected board of trustees of the Winona-Montgomery Consolidated School District pursuant to the

required administrative consolidation may appeal therefrom within ten (10) days from the date of the adjournment of the meeting at which such order is entered. The appeal shall be taken in the same manner as appeals are taken from judgments or decisions of the board of supervisors as provided in Section 11-51-75, the provisions of which shall be fully applicable to appeals taken hereunder. The board of trustees of the Winona-Montgomery Consolidated School District shall not pass upon or approve or disapprove any such order until the time for an appeal therefrom has expired, nor shall the board pass upon or approve or disapprove any such order from which an appeal is taken until said appeal has been finally determined.

(5) Nothing in this section shall be construed to require the closing of any school or school facility, unless the facility is an unneeded administrative office located within a school district which has been abolished under the provisions of this section. All administrative consolidations under this section shall be accomplished so as not to delay or in any manner negatively affect the desegregation of another school district in the county pursuant to court order.

(6) The State Board of Education shall promulgate rules and regulations to facilitate the administrative consolidation of the school districts in Montgomery County pursuant to the requirements of this section. Beginning with the insurance cafeteria plan year of November 1, 2018, the consolidated districts shall fall under



all insurance plans and policies elected by the Winona-Montgomery Consolidated School District, including the group term life insurance described in Section 25-15-9(7).

(7) The County Board of Education and the Superintendent of Education of the former Montgomery County School District and the local school board and Superintendent of Schools of the Winona Municipal Separate School District shall cooperate with the State Department of Education, as soon as practicable after the effective date of this act, for the planning and transition of programs, services and alignment of curriculum for the administratively consolidated school districts.

(8) It shall be the responsibility of the Board of Supervisors of Montgomery County to provide office, furnishing and utilities for the administrative Office of the Superintendent of the Winona-Montgomery Consolidated School District.

(9) One (1) year prior to the date of consolidation, a financial advisor and/or other facilitator with school district experience may be assigned by the Mississippi Department of Education to oversee the budgeting and financial matters relating to the consolidation of the districts slated for consolidation. The financial advisor and/or facilitator may, at the discretion of the Mississippi Department of Education, continue duties for one year after the consolidation to ensure that all financial matters are in place. All financial expenditures of districts that are closing must be approved by the financial advisor and/or

facilitator. If the superintendent and/or school board approves expenditures outside of this approval, they shall be personally liable for the excess expenditures. The State Board of Education shall determine the compensation to be paid to the financial advisor and/or facilitator which shall be paid by the local school district.

**SECTION 2.** Section 37-7-103, Mississippi Code of 1972, is amended as follows:

37-7-103. From and after July 1, 1987, the school board of any school district shall have full jurisdiction, power and authority, at any regular meeting thereof or at any special meeting called for that purpose, to abolish such existing district, or to reorganize, change or alter the boundaries of any such district. In addition thereto, with the consent of the school board of the school district involved, the school board may add to such school district any part of the school district adjoining same, and with the consent of the school board of the school district involved, may detach territory from such school district and annex same to an adjoining district. Provided, however, that the consent of the school board of the school districts involved in implementing the provisions of Section 37-7-104 or \* \* \* Section 1 of this act shall not be required for the administrative consolidation of such school districts pursuant to the order of the State Board of Education.

SECTION 3. This act shall take effect and be in force from  
and after July 1, 2016.

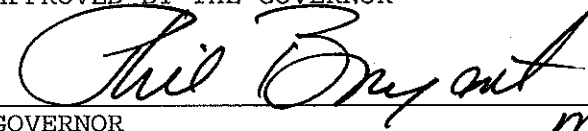
PASSED BY THE SENATE  
April 19, 2016

  
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PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
April 19, 2016

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
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GOVERNOR

May 10, 2016  
11:05 AM